HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.8381 of 2007

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Between:

The State Level Police Recruitment Board,
represented by its Chairman,
Hyderabad and another. …Petitioners

And

Gavidi Viswanath ….Respondent.

:: O R D E R ::

Counsel for the petitioners : Government Pleader for Services-I.

Counsel for the respondent : Sri Y.S. Venkat Rao

25th April, 2007

Per G.S. SINGHVI, C.J.

This petition is directed against order dated 14-3-2007 passed by the Andhra Pradesh Administrative Tribunal (for short, 'the Tribunal') in O.A. No.7378 of 2006.

It is borne out from the record that respondent – Gavidi Viswanath, who applied for recruitment as Sub-Inspector of Police, participated in

5 km. run, but could not qualify the same. He filed an application under Section 19 of the Administrative Tribunals Act, 1985 (for short, 'the Act') with the complaint that the race of 5 kms. was conducted without following any norms or procedure and, on account of haphazard running conditions, he was deprived of an opportunity to successfully complete the race.

By the impugned order, the Tribunal allowed the application filed by the respondent (O.A.No.7378 of 2006) along with another application filed by Abdul Aziz Mohammed (O.A.No.7420 of 2006). The operative portion of the Tribunal's order read as under:

> "Therefore, I allow these two applications by directing the respondents to conduct the 5 kms. run test to the applicants herein once again, within a period of 2 (two) weeks from the date of receipt of this order. If they are qualified in the said 5 kms. run, they shall be subjected to the next selection process. However, the 1st respondent is directed to prepare guidelines and norms to be observed for conducting 5 kms. run in future, in the light of Rules prevailing for conducting State or National level competitions for such a race, by giving equal opportunity to each candidate to exhibit his ability and to avoid foul play or unhealthy competition. This Tribunal hopes such rules or regulations or norms would be framed within 6 (six) months from the date of receipt of this order or one month in advance before taking up another selection process, whichever is earlier."

Yesterday, the learned Government Pleader made an oral statement that the direction given by the Tribunal for conduct of 5 k.m. run test for the respondent should be declared infructuous because he has failed to clear the qualifying examination.

Today, the learned Government Pleader produced marks sheet, perusal of which reveals that the respondent secured 59 and 57 marks respectively in III and IV papers of the written examination, whereas for qualifying the test, a candidate belonging to reserved category of Scheduled Caste/Scheduled Tribe is required to secure minimum 60 marks out of 200.

The marks sheet produced by the learned Government Pleader was shown to the counsel for the respondent, who fairly conceded that his client has not qualified the written examination.

In view of the above, we hold that no useful purpose would be served by holding 5 km. run test for the respondent. Even if the respondent successfully runs 5 kms. race, he cannot be selected because, he failed to clear the written test.

In the premise aforesaid, the writ petition and WPMP. No.10755 of 2007 filed by the petitioners for interim relief are disposed of as infructuous.

While disposing of the writ petition in the manner indicated above, we deem it proper to mention that the learned Government Pleader made strenuous efforts to persuade us to set aside the direction given by the Tribunal for preparing guidelines and norms for conducting 5 km. run in future, but we have not felt impressed. In our opinion, the impugned direction by the Tribunal is not only in the interest of the petitioners and the candidates, but also in public interest. Therefore, we do not find any justification to nullify the same.

G.S.SINGHVI, C.J.

25th April, 2007

C.V.NAGARJUNA REDDY, J.

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